



**VERTEX PHARMACEUTICALS INCORPORATED**  
130 Waverly Street  
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**FAX**

<b>To</b>	MISSING PARTS
<b>Company</b>	USPTO
<b>FAX</b>	(703) 746-4060
<b>From</b>	Nandakumar Govindaswamy
<b>Date</b>	July 22, 2004
<b>Subject</b>	Application No. 10/800,022 Attorney Docket No. VPI/03-103 US
<b>Total Pages</b>	15

**Message or Comment**

In response to the Notice to File Missing Parts of Nonprovisional Application dated June 1, 2004 attached are a Transmittal Letter for Response to the Notice to File Missing Parts of Nonprovisional Application (2 pages, in duplicate); a Fee Transmittal (1 page, in duplicate); a copy of the Notice to File Missing Parts of Nonprovisional Application (2 pages); and executed Declaration document (3 pages) relating to the above-identified application.

**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this correspondence, and any documents referred to as attached hereto, is/are being transmitted to the United States Patent and Trademark Office, Facsimile Number: (703) 746-4060 on this 22<sup>nd</sup> day of July 22, 2004.

Karen DiRocco

If any problems occur with this fax transmittal, please call (617) 444-6619 immediately.

**FAX Number (617) 444-6483 Legal Department**

**CONFIDENTIALITY NOTICE**

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VPI/03-103 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Frederick E. Van Goor, et al.  
Serial No.: 10/800,022  
Filing Date: March 12, 2004  
Group Art Unit: 1614  
Examiner: Not Yet Assigned  
Confirmation No.: 6802  
For: MODULATORS OF ATP-BINDING CASSETTE  
TRANSPORTERS

Cambridge, Massachusetts  
July 22, 2004

MAIL STOP MISSING PARTS  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

TRANSMITTAL LETTER FOR RESPONSE TO THE  
NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

Sir:

Transmitted herewith in response to the Notice to File Missing Parts of  
Nonprovisional Application – Filing Date Granted, mailed June 1, 2004 in the above-  
identified application, are the following:

1. Faxcover Sheet to the Patent Office (1 page)
2. Fee Transmittal for FY 2004 (1 page, in duplicate);
3. Notice to File Missing Parts of Nonprovisional Application (2 pages); and
4. Executed Declaration document (5 pages).


Atty. Docket No.: VPI/03-103 US  
U.S.S.N.: 10/800,022  
Applicants: VanGoor, et al.

-2-

Applicants hereby authorize the Commissioner to charge Deposit Account No. 50-0725 in the amount of \$7,490.00 to cover the filing fee and the surcharge (see 37 C.F.R. §1.27 and 37 C.F.R. §1.16(e)).

Applicants believe that no additional fees are due at this time. However, the Commissioner is hereby authorized to charge payment of any additional fees required under 37 C.F.R. §1.16 in connection with the papers transmitted herewith, or credit any overpayment of the same, to Deposit Account No. 50-0725. A duplicate copy of this transmittal letter is transmitted herewith.

Respectfully submitted,



Nandakumar Govindaswamy, Ltd. Recognition  
Attorney for Applicants  
c/o Vertex Pharmaceuticals Incorporated  
130 Waverly Street  
Cambridge, MA 02139-4242  
Tel.: (617) 444-6619  
Fax.: (617) 444-6483



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PTO/SB/17 (11-01)

Approved for use through 10/31/2002. OMB 0851-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

## FEE TRANSMITTAL for FY 2004

Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)**7,490.00**

### Complete if Known

Application Number **10/800,022**  
Filing Date **March 12, 2004**  
First Named Inventor **Frederick E. Van Goor**  
Examiner Name **Not Yet Assigned**  
Group Art Unit **1614**  
Attorney Docket No. **VPI/03-103 US**

### METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account

Deposit Account Number

**50-0725**

Deposit Account Name

**Vertex Pharmaceuticals**

The Commissioner is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) during the pendency of this application

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

### FEE CALCULATION

#### 1. BASIC FILING FEE

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description	Fee Paid
		1001	770	Utility filing fee	770.00
		1002	340	Design filing fee	
		1003	530	Plant filing fee	
		1004	770	Reissue filing fee	
		1005	180	Provisional filing fee	
SUBTOTAL (1)					770.00

#### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
327	-20** = 307	x 18.00 =	5526.00
Independent Claims	12	-3** = 9	x 88.00 = 774.00
Multiple Dependent		290.00 =	290.00

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description	Fee Paid
		1202	18	Claims in excess of 20	
		1201	86	Independent claims in excess of 3	
		1203	290	Multiple dependent claim, if not paid	
		1204	86	** Reissue independent claims over original patent	
		1205	18	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)					6,580.00

\*\*or number previously paid, if greater; For Reissues, see above

### FEE CALCULATION (continued)

#### 3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	130.00
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	320	2401	160	Notice of Appeal	
1402	320	2402	160	Filing a brief in support of an appeal	
1403	280	2403	140	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,300	2453	650	Petition to revive - unintentional	
1501	1,300	2501	650	Utility issue fee (or reissue)	
1502	470	2502	235	Design issue fee	
1503	630	2503	315	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	750	2809	375	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	750	2810	375	For each additional invention to be examined (37CFR 1.129(b))	
1801	750	2801	375	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)**130.00**

### SUBMITTED BY

Name (Print/Type) **Nandakumar Govindaswamy**

Registration No. (Attorney/Agent)

Ltd. Recognition

### Complete (if applicable)

Telephone **(617) 444-6619**

Signature

Date

**July 22, 2004**



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/800,022	03/12/2004	Frederick F. VanGoor	VPI/03-103 US

27916  
VERTEX PHARMACEUTICALS INC.  
130 WAVERLY STREET  
CAMBRIDGE, MA 02139-4242

CONFIRMATION NO. 6802

## FORMALITIES LETTER



\*OC000000012828826\*

Date Mailed: 06/01/2004



## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

The applicant needs to satisfy supplemental-fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of \$6590 as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$7490 for a Large Entity

- \$770 Statutory basic filing fee.
- \$130 Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is \$6590

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CNGUYEN

07/23/2004

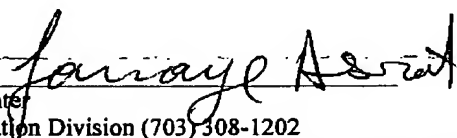
01 FC:1001 770.00 DA  
02 FC:1202 5526.00 DA  
03 FC:1201 774.00 DA  
04 FC:1051 130.00 DA  
05 FC:1203 290.00 DA

- \$774 for 9 independent claims over 3.
- \$5526 for 307 total claims over 20.
- \$290 for multiple dependent claim surcharge.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

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*A copy of this notice **MUST** be returned with the reply.*

  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE